

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

JERRY MARTINEZ

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CRIMINAL ACTION NO. C-07-665

**MEMORANDUM OPINION AND ORDER DENYING MOTION FOR
RECONSIDERATION OF ORDER OF DETENTION**


On November 29, 2007, a detention hearing was held before United States Magistrate Judge Dorina Ramos. Magistrate Judge Ramos ordered defendant Martinez held without bond (D.E. 8). The order of detention also permitted defendant to move to reopen, or to seek review by the District Court pursuant to 18 U.S.C. § 3145 (D.E. 8). On December 17, 2007, defendant filed a motion to reconsider (D.E. 14). Presumably defendant is seeking reconsideration by a United States Magistrate Judge because he did not specifically request review by a District Judge, nor did he present a transcript of the hearing before Judge Ramos.

Defendant failed in his motion to articulate any reason why the order of Judge Ramos should be reconsidered. He has not described any new evidence not available at the time the case was heard by Judge Ramos. Moreover, a review of the Pretrial Services Report reveals that the defendant is a poor candidate for bond. The defendant was on probation for a DWI when he committed this offense, reflecting that the defendant is either unwilling or unable to comply with court-ordered conditions of release. The

defendant's criminal history also reveals his inability to comply with court ordered conditions of release. In 1998 a five-year probationary term for sale of marihuana was revoked for failure commission of a new offense of DWI.

Accordingly, defendant's motion (D.E. 14) is DENIED.

ORDERED this 18th day of December, 2007.



B. Janice Ellington
United States Magistrate Judge-